

Statement of Wynn Timer
Director of the V.I. Bureau of Corrections
Committee on Homeland Security, Justice, and Public Safety
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Good morning, Chairman Payne, Members of the Committee on Homeland Security, Justice and Public Safety, other distinguished Members of the 33rd Legislature, and the listening and viewing audience. I am Wynn Timer, Director of the Virgin Islands Bureau of Corrections.

Thank you for inviting me to appear before you today. I understand and respect the Committee's responsibility to oversee executive agencies that fall within its jurisdiction. And I welcome the opportunity to discuss with you the challenges we face – and the meaningful progress that we are making – at the Bureau of Corrections ("Bureau").

Tuesday marked one year since Governor Bryan nominated me to be Director of the Bureau. As I assumed my duties, the Governor gave me very simple marching orders: FIX IT! That's all he needed to say.

You see, for years the Bureau had suffered from benign neglect; it was treated almost as an afterthought. Correctional officer salaries were low, working conditions were poor, we were severely understaffed – and still are – which meant that our officers worked long hours – sometimes for 24 hours straight.

We are laboring under – not one – but 2 of some of the longest-running consent decrees in the United States. The consent decree governing the John A. Bell Golden Grove Adult Correctional Facility on St. Croix ("Golden Grove") is 34 years old; the consent decree governing the Alexander A. Farrelly Criminal Justice Complex on St. Thomas (also known as

the “St. Thomas Jail”) turns 26 years old this year. That means that the consent decrees governing our facilities were in place before some of our correctional officers were born.

So, when the Governor nominated me to be Director of the Bureau and told me to fix it, I knew that I faced a challenge. But when I walked into my office on day one, I realized that I was facing a crisis.

I found bills piled high on my desk that had not been paid. Vendors were threatening to cut off essential services or demanding to be paid up front, before doing business with the Bureau. Bills for goods and services that are critical to running a jail or prison went unpaid or were paid dangerously late.

I found contracts not executed or not in existence, even though the Bureau had been conducting business with those vendors for years. Work was stalled on critical projects, even though the Court ordered them completed; some contractors walked off the job to pursue more lucrative work elsewhere. And projects that were represented as having been completed – such as the kitchen at Golden Grove – were, in fact, abandoned.

On day one, I found a Bureau that rarely if ever responded to employee grievances. I discovered that employee grievances would go from Step 1 to Step 4 without the Bureau ever filing an answer. Because the Bureau never answered these grievances, many times it lost, or was forced to settle, cases that it should clearly have won. As a result, the Bureau had more grievances awaiting arbitration than any other Government agency.

I found a Bureau with a lax disciplinary environment, where policies were often ignored, and where rules were broken without fear of accountability. Just ten days after I came onboard, I attended a hearing in federal court about the consent decree case at the St. Thomas Jail. It did not go well.

I was astonished as I watched a video in Court of a correctional officer attacking an inmate who complained about finding a bug in his food. As bad as that excessive use of force incident was, what made it worse was the fact that the correctional officers were never disciplined for their actions. Rules were broken, policies were not followed, and a correctional officer who needlessly attacked an unarmed inmate was never held accountable – because the time to impose discipline had run out.

Something else happened at that hearing that sounded an alarm. The judge asked how much longer would it take to achieve full compliance with the consent decree, now that 25 years had passed. Our then legal counsel said that it could take another 25 years to reach full compliance. In other words, we represented to the Court that it would take a total of 50 years – half a century – for the federal consent decree case to finally end.¹ I was dumbfounded. That meant that after 25 years of going to court and paying taxpayer dollars to experts, there was still no plan in place to get out from under the consent decree. That was unacceptable.

Shortly after that hearing – or maybe because of it – lawyers for the American Civil Liberties Union (the “ACLU”) asked the judge to place the St. Thomas Jail in federal receivership. What does that mean? That means that as we sit here today, there is a petition on Judge Gomez’s desk that would allow for a federal takeover of the St. Thomas Jail. We are only a hair’s breadth away.

To make matters worse, in August, the Court issued an order that would have fined the Bureau \$2,500 per day for each task it was assigned that it failed to complete. That order could have resulted in fines of up to \$32,500 a day (\$2,500 per uncompleted task x 13 tasks).²

¹ Transcript of Feb. 22, 2019 Hearing in *Carty v. Bryan*, Civil No. 1994-78, at pp. 118-20.

² Order of Aug. 15, 2019 in *Carty v. Bryan*, Civil No. 1994-78, at p. 4.

Upon taking command at the Bureau, I found an agency in crisis. We were in a steep nose dive. I had no choice but to take immediate, corrective action to avoid disaster. Because of the tireless work of the dedicated men and women at the Bureau, I can report to you today that we stopped the free fall; we leveled off; and now we're beginning to climb.

Let me tell you about some of the things that we've done over the past year.

1. We've reduced accounts payable by 70%. We've paid the people we owe. One vendor came to my office to shake my hand when he finally received a check from the Bureau – after waiting 8 years to be paid. I have instructed our fiscal department to give me weekly updates on all accounts payable.

2. We hired a procurement specialist, Mr. Peter Abrahams, who is also our program and grants manager. His job responsibilities include, among other things, streamlining the process of getting contracts signed and vendors paid. He is also responsible for developing programs that will make use of grant monies before they expire. In the past, hundreds of thousands of dollars in grants were allowed to expire before they were ever used.

3. We created a Labor Relations Unit to handle employee grievances. All employee grievances are now answered promptly, given a hearing – if a hearing is indeed required – and ruled upon within the time allowed by the Collective Bargaining Agreement.

4. We now conduct timely disciplinary hearings that afford every employee due process while holding them accountable whenever rules are broken. Under my watch, any use of force incident that is alleged to be excessive will be thoroughly investigated. And if the investigation determines that discipline should be imposed, then it will be imposed in keeping with the law and our Collective Bargaining Agreements.

5. With the assistance of Deputy Attorney General Carol Jacobs and the Department of Justice, my staff and I worked tirelessly to make sure that that not one penny of taxpayer dollars went to pay the \$32,000 a day fines that we were threatened with in August. We completed every task that the Court demanded of us and we completed them on time.

6. In October we hired a new Chief Inspector, Mr. Anthony Hector, a former police detective and a former head of the Law Enforcement Supervisor's Union. Mr. Hector brings with him a wealth of investigative experience, and he has been tasked – not only with conducting thorough investigations going forward – but also with reducing the large backlog of uninvestigated incidents. I should point out that it was Chief Inspector Hector's thorough investigations over the last four months that uncovered very serious security lapses and rule violations at both Golden Grove and the St. Thomas Jail.

7. We conducted more correctional officer training last year than at any other time in Bureau history. We invested heavily in training for correctional officers. They underwent firearms training for the first time in 3 years, crisis intervention training, correctional behavioral health training, standard security training, and refresher training on Bureau policies.

8. Last month the Bureau hired a new Training Administrator, Ms. Jacqueline Adonis, a specialist in curriculum development. She has already started developing a training plan for the Bureau that will ensure that all correctional officers and civilian staff receive new and refresher training on topics directly relevant to their job responsibilities. In collaboration with Mr. Ishmael Smittie, the new Warden at the St. Thomas Jail, Ms. Adonis has already developed a new correctional officer basic training curriculum, consisting of 120 hours of specialized, correctional training.

9. Let me pause here to say something about Warden Smittie. He is not just our Warden; he is also one of the most capable trainers of correctional officers in the United States. He is a master correctional officer trainer with 40 years of correctional experience at 28 different facilities, federal and local. The Governor appointed Warden Smittie not only to make the changes at the St. Thomas Jail needed to prevent a federal takeover, but also to train our new correctional officers. Together with Ms. Adonis, he will spearhead the training of new correctional officer recruits. A month after he became Warden of the St. Thomas Jail, Mr. Smittie told me something that confirmed my belief in the Bureau's potential. He said, "We can fix this, and we can fix it in short order."

I want to make one thing clear. Over the last year, we haven't just been reacting to the problems of the past; we've been proactive about how corrections should operate in the future. At the new Bureau of Corrections, we are working hard to reshape how corrections is perceived by treating prisoners as individuals who need counseling, resources, and preparation for the outside world – not bad people who deserve punishment. Here are some of the things that we are working on:

- Sustainable Re-entry Program – we just completed a needs assessment for all inmates that are housed locally; we now have a plan in place to prepare them for re-entry into society from the time they enter our facility all the way to the time they enter transitional housing in preparation for their eventual release; we meet them where they are and build them up. Six months before inmates are released, we will begin preparing them to transition into society. We've never had that program before. But we need more case workers to track each inmate as they

approach their release date to make sure that they are taking the programs they need to prepare to rejoin the outside world;

- VendEngine Now Up & Running – The more time that an inmate spends interacting with their families, the better their readjustment will be when they re-enter society. The Bureau now has the platform for live video visitations up and running at both Golden Grove and the St. Thomas Jail. Family and friends soon will soon be able to see and talk to an inmate from the comfort of their home using a smart phone. Those who do not use a smart phone will still be able to visit their loved ones at our facilities. But the public will now have the option of seeing and talking with them without having to physically go to the jail. They can also send money to an inmate's commissary account or recharge a phone card by using their smart phone. We are working on expanding this program to include Virgin Islands inmates who are housed in facilities on the mainland.
- Substance Abuse Rehabilitation Program – We conducted a first of its kind substance abuse rehabilitation program at Golden Grove. The program consisted of 5 weeks of individual sessions and 7 weeks of group sessions. I am happy to report that 6 men and 3 women graduated from the program in September 2019.
- Pilot Project for Conversion of Cluster 1– The Bureau embarked on a pilot project to convert Cluster 1 of CJC into a Direct Supervision Unit for the mentally ill, bringing the Virgin Islands in line with national standards. The conversion to a direct supervision unit means that more inmates can be supervised with less correctional officers. It also provides a more therapeutic environment for inmates suffering with a mental illness.

- Progress in Mental Health Care – Because of the mental health crisis nationwide, prisons and jails are now the largest institutions housing adults with serious mental health disorders. In fact, the largest mental health hospital in the country is a jail – Cook County Jail in Chicago, Illinois.³

In addition to the pilot program I just described, the Bureau has taken concrete steps to ensure that inmates in our custody receive adequate mental health care. For example:

- For the first time in the Bureau’s history, we now have the full complement of mental health positions staffed, as required by the consent decrees on both islands. We’ve hired a mental health coordinator and case management planner on St. Croix. And we recently hired a mental health social worker on St. Thomas.
- We are temporarily converting one of our dorms at Golden Grove into a specialized unit for the mentally ill.
- In collaboration with the Department of Health, the Bureau sent 10 seriously mentally ill prisoners, including 2 judged not guilty by reason of insanity, to an off island, treatment facility: Correct Care Recovery Solutions in South Carolina. Some of these transferees had been waiting for many years for disposition of the criminal charges against them, and there was a real risk that they would deteriorate in our facilities as they continued to wait. But sending

³ Tanya St. John, *Why America’s Largest Mental Health Institutions are Prisons and Jails*, ARUNDEL LODGE (Aug. 8, 2016) (found at <https://www.arundellodge.org/why-americas-largest-mental-health-institutions-are-prisons-and-jails/>); see also Matt Ford, *America’s Largest Mental Health Hospital is a Jail*, THE ATLANTIC (June 8, 2015) (found at <https://www.theatlantic.com/politics/archive/2015/06/americas-largest-mental-hospital-is-a-jail/395012/>).

people off-island to a long-term mental health facility comes at great cost. The Government is paying roughly \$457 per person per day to provide mental health care that they need.

- We now have the equipment in place to provide tele-medicine and tele-psych services to our inmates.
 - Our psychiatrist walked off the job in April over concerns that her orders were not being followed. That created a real challenge to maintain the care required by the consent decree. We convinced her to come back in August and put in place updated policies that ensured that a psychiatrist's orders will be properly followed in the event of an emergency.
- Revived the Inmate Work Program – When I arrived at the Bureau a year ago, the inmate work program had been discontinued, and the inmates were on lock down. We revived it. Under this program, inmates in Bureau facilities have work to beautify and clean up targeted areas on St. Thomas and St. Croix, in coordination with the V.I. Waste Management Authority and Government House. The Bureau has also partnered with the Departments of Health, Education, Public Works, Justice, Property & Procurement and Agriculture to identify projects that can be served by the Bureau's work program. All prisoners capable of work WILL have a job.
 - Reducing Dependency on Overtime – Correctional officer overtime continues to be a challenge at the Bureau. In Fiscal Year 2019, the Bureau spent roughly \$3.8 million in correctional officer overtime. We have no choice but to take

drastic measures to better manage correctional officer overtime without compromising security. For the good of the Bureau and to achieve operational efficiency, the Bureau will be moving to 12-hour shifts, which is common at correctional facilities on the mainland. This move will control costs, while giving correctional officers more scheduled time off to spend with their families. We will be discussing this and other topics with the correctional officers' union next week, as we work on negotiating a new collective bargaining agreement, since the current CBA expired in 2014.

- Retired Correctional Officer Bill Proposal – Another way that the Bureau can reduce correctional officer overtime is to amend the title 3 V.I. Code section 755(c) to add retired correctional officers to the list of professions who can come back to work for up to 2 years while continuing to earn a GERS pension. Current law already allows nurses, teachers, and police officers to do so. Allowing retired correctional officers to return to work without incurring a GERS penalty would give us a short-term boost in staffing levels while our aggressive recruiting efforts bear fruit. We will be asking for your support once this measure is introduced.
- Acquired and Remodeled New Office Space – When I arrived at the Bureau, our St. Thomas staff occupied a cramped corner of the St. Thomas Jail, because they were displaced by Hurricane Irma. Some staff had to wait for someone else to step away from their desk so that they could gain access to a computer and do their work. We changed that. The Bureau now has new, temporary administrative office space in Subbase, on the first floor of the Department of Property & Procurement building.

- Conducted Promotional Exams for Supervisory Positions - For the first time in six years, the Bureau conducted promotional exams for correctional officers and supervisors. During the last year, we promoted three sergeants to lieutenant and one correctional officer to sergeant.
- Partnered with Schools to Help Keep our Youth Out of the System – The Bureau has partnered with 2 schools – Eulalie Rivera Elementary School and Arthur A. Richards Junior High School on St. Croix to help break the classroom to prison pipeline.

As you see, we've been quite busy at the Bureau over the last year. What these facts show is that the Bureau has made the necessary corrections and now has many of the pieces in place to finally get out from under these costly and burdensome consent decrees. This is an exciting time to be at the Bureau. We are no longer an agency in crisis; we are now an agency in transition. And we have begun to rise.

Here's what Judge Wilma Lewis had to say about the Bureau at the last quarterly status conference in December:

We still have a long way to go, but . . . it is good to know that there is a leadership team in place that is not only capable from the perspective of the team but is capable as perceived by the monitoring team to get the job done and to get it done well.

...

It is quite clear to me, as obviously it is to the monitoring team, that we have people in place, like the people sitting in this courtroom, who are capable of getting this job done.

Transcript of Dec. 12, 2019 Hearing in *USA v. GVI* at p. 154, 155-56 (emphasis added).

Dr. Ken Ray, the court-appointed Monitor for Golden Grove, came to a similar conclusion. Here's what he said:

[O]ne of the things is that they have expanded their intellectual capacity in leadership. And as our week [of inspections] progressed, that became palpable, and I could see it.

...

So, overall . . . we had an excellent visit, very collegial. We worked a lot of issues, very impressed with . . . leadership and the staff's participation. [T]he visit gave us strengthened hope and confidence that the new BOC, as it's called, can achieve termination of this [consent decree] in due course, but with sustainable compliance. So there is nothing that causes me to believe that that cannot be achieved.

...

We're confident that [at] our next visit, which would be in April . . . we will be able to leave [here] with confidence that everything is out of noncompliance and give you a schedule that would omit July, and that would be on a twice-a-year schedule. So, I'm confident that those goals are going to be achieved, and I think that that demonstrates . . . a significant achievement.

Transcript of Dec. 12, 2019 Hearing in *USA v. GVI* at pp. 26, 79-81 (emphasis added).

The "significant achievement" that the Monitor refers to means this: for the first time since he began monitoring the conditions at Golden Grove, the Monitor now feels confident

enough in Bureau management to reduce the number of inspections from 3 visits a year to 2.

That has never happened before.

As the Monitor stated, once we go to 2 visits a year, then we're on a "downhill slide and the goal is to keep it there and keep it advancing. . . [T]hat's very doable."

I am proud of the tremendous effort made by the men and women of the Bureau to get us to this point.

I could continue listing all of the things that we've accomplished over the past year, but we're not here just to list the Bureau's accomplishments. We're also here to talk about the allegations in some news reports that there is a caustic work environment at the BOC, which has caused multiple employees to resign and some to be dismissed. So let's drill down on these allegations.

Let me first say, that I will not discuss confidential personnel matters involving current or former Bureau employees. Virgin Islands law forbids it. *See* 3 V.I.C. § 881(g). Virgin Islands law also gives me the discretion to organize, administer, and operate the Bureau to achieve its goals and objectives. 5 V.I.C. § 373(c). That doesn't mean, of course, that I can do what I want or hire and fire whom I please. But it does mean that the Director must be given the latitude to make decisions that promote the best interests of the Bureau.

The depiction portrayed in the online blog – of widespread resignations and dismissals – is inaccurate. Some of the persons in the positions listed resigned before I ever joined the Bureau. Some left because they were in exempt positions, and there was a change in administrations. This is common in government, not just at the Bureau.

Some left to take more lucrative jobs elsewhere. We lost some employees to the Limetree Bay Terminal and Refinery on St. Croix. As the Virgin Islands economy strengthens, some employees may decide to take advantage of the benefits of working in the private sector.

Bureau salaries, especially in the health field, are not competitive with salaries elsewhere. As Dr. Linda Callwood, our medical director, explained, you cannot expect a seasoned RN to take a position that pays \$43,000, when the starting salary for an RN fresh out of nursing school is \$10,000 higher.

Some left because they were promised positions by the previous administration, but the paperwork was never started. So they were disappointed when I explained that I was not bound to honor a verbal promise made to them by the previous administration.

Some people left because they had stopped showing up to work. And some left because they had legitimate differences of opinion in what direction the Bureau should take. That is understandable and normal when a new Director comes on board.

Some people were given an opportunity to perform but did not. Regrettably, some were dismissed to promote the best interests of the Bureau. Given what was at stake, and the scrutiny under which the Bureau operates, I had no choice but to make some tough decisions to move this agency forward.

Contrary to what was printed in the online blog, no sworn correctional officer on St. Croix resigned. None was dismissed. Two correctional officers on St. Thomas left – one before I arrived – to take other positions in law enforcement. This is common in corrections. We lose people to other law enforcement agencies all the time.

The insinuation that members of the Parole Board resigned due to my management style is categorically false. Those resignations came after a meeting I had with the Board on January 8

of this year to discuss certain discrepancies in the Board's December 2019 parole decisions. Because this matter is still under investigation, I am not at liberty to discuss it publically. The Bureau has requested a legal opinion from the Attorney General regarding certain issues that arose out of our investigation. I would be happy to discuss our preliminary findings with the Committee in executive session. I can tell you this, however: Under my watch, only those that have met all the qualifications for parole will be considered for or released on parole.

In hindsight, I realize that in my zeal to turn this agency around, I may have said or done things that may have rubbed some people the wrong way. My intent always was to motivate – never to put down.

Recognizing that a change in Bureau culture must be accepted by everyone, not imposed from above, the Bureau has launched a 6-month workplace training program called “Workplace Turnaround.” It will be spearheaded by our Training Administrator, Ms. Jacqueline Adonis. The goal of the Workplace Turnaround program is to encourage frank, honest discussions among Bureau staff about how best to achieve our organizational goals by working together as a team. It consists of 6 modules: Respect, Pride, Communication, turning Lemons Into Lemonade, Performance Matters, and Staying the Course. Our Training Administrator implemented a similar Workplace Turnaround program in private industry with impressive results. We are hopeful that she can do the same for the Bureau to ensure a productive, harmonious work environment. We are committed to ensuring that she gets the same positive response from all of us, starting with this group sitting here today.

This is a teachable moment. If I offended anyone, in my zeal to turn things around at the Bureau, I am truly sorry.

But let me tell you about some of the things that are offensive to the Bureau. It is offensive that the Government of the Virgin Islands pays an average of \$74,000 a month for outside experts to tell us how to run our prison and jail. That money can be used to buy books for our schools and medicine for our hospitals.

It is offensive that the hard work of the dedicated professionals at the Bureau is often overshadowed by the unscrupulous acts of a few.

It is offensive that our shortcomings as a Bureau are magnified for all to see while our many successes are hidden from public view.

The Bureau of Corrections still has a long way to go, but we're on the right track. We now have the people in place to move the agency forward. And that translates into more programming and better conditions for our inmates; a safer, more productive work environment for our staff, and a commitment to the public to get the job done – and get it done well.

For 34 years now, we have spent millions of taxpayer dollars and tens of thousands of man hours trying to convince the Courts that we know how to run our jails. Enough!!! Failure – in the form of a federal takeover – is no longer an option. The new Bureau of Corrections will no longer make – or accept – excuses for poor performance.

Fifty years ago, after losing in the Democratic primary for the Senate, a distinguished correctional professional from the Virgin Islands said this:

“The Virgin Islands today needs strong men and women who are prepared to do battle for the things we hold dear to us. . . And the time to stand is not tomorrow or later; the time to stand is now.”

Virgin Islands Daily News, Sep. 29, 1970 at p. 5. Those words were spoken by the first female probation officer in the Virgin Islands; the first female member of the Virgin Islands Legislature; and the first female President of this body – the late Senator Ruby M. Rouss.

As I appear before you today as the first female Director of the Bureau of Corrections, I do not stand here alone. I stand on the shoulders of pioneering women in the correctional field like the late Senator Rouss. I am passionate about corrections. And I am prepared to do battle for a Bureau that does what it is asked to do – and does it well.

When I first appeared before you this Committee in March, many of you asked that I do what was needed to change the culture at the Bureau and get results. We're doing that. But with change comes resistance. Some have benefited from an inefficient system for so long that they are resistant to change. Yet, the cost of doing nothing is now far greater than the price of change. The stakes are too great. The motion for a federal takeover of the St. Thomas Jail sits on the judge's desk. We can no longer afford to do business as usual.

As I close, I ask that we not lose sight of the real objective of corrections: to do everything in our power to give those entrusted to our care a fighting chance to lead productive lives once they are no longer behind bars.

Conclusion

Mister chairman and members of the Committee, thank you for giving me the chance to testify before you today. My staff and I look forward to your questions.